

AGENDA

CITY OF COSTA MESA

REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY* MEETING

***NOTE: ALL AGENCY AND AUTHORITY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."**

TUESDAY, SEPTEMBER 5, 2017
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 4:00 P.M.
REGULAR MEETING – 6:00 P.M.

KATRINA FOLEY
Mayor

SANDRA L. GENIS
Mayor Pro Tem

JOHN B. STEPHENS
Council Member

JAMES M. RIGHEIMER
Council Member

ALLAN R. MANSOOR
Council Member

City Attorney
Thomas Duarte

City Manager
Thomas R. Hatch

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

[Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Binders containing these agenda-related documents are located in the Council Chambers lobby. In addition, such documents may be posted—whenever possible on the city's website at \[www.costamesaca.gov\]\(http://www.costamesaca.gov\).](#)

Please note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information.

Your attendance at this public meeting is valued and appreciated. If you have questions regarding the agenda, public comments or wish to obtain copies of documents please contact the City Clerk office at (714) 754-5225 or e-mail cityclerk@costamesaca.gov

WELCOME TO THE CITY COUNCIL MEETING

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

Members of the public desiring to speak during the Public Comments period on a matter not on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Members of the public shall only address the City Council one time at any given meeting for non-agenda items. Each speaker is limited to three minutes.

PUBLIC COMMENTS – CONSENT CALENDAR:

Members of the public desiring to speak on a consent calendar item shall submit such a request on a speaker card prior to the start of the Consent Calendar period. Each speaker is limited to three minutes.

PUBLIC COMMENTS – MATTER LISTED ON THE AGENDA:

Members of the public desiring to speak during the Public Comments period on a matter listed on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Each speaker is limited to three minutes.

1. Any written communications, photos, or other material for copying and distribution to the City Council that is 10 pages or less, must be submitted to the City Clerk **NO LATER THAN 3:00 P.M.** If the public wishes to submit written communication, photos, or other material for distribution to the City Council at the meeting **AFTER 3:00 p.m.**, 10 copies will need to be provided for distribution. Please note that **NO** copies of written communication will be made **AFTER 3:00 p.m.** All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. Kindly submit to the City Clerk **AS EARLY AS POSSIBLE, BUT NO LATER THAN 15 MINUTES PRIOR TO THE START OF THE MEETING.** Materials may also be e-mailed to cityclerk@costamesaca.gov.
2. **All cell phones and other electronic devices are to be turned off or set to vibrate.** Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.
3. Free Wi-Fi is available in the Council Chamber during the meetings. Two networks are available: council1 and council2. The password for either network is: cmcouncil.

In compliance with the Americans with Disabilities Act of 1990, Assistive Listening headphones located inside the Council Chambers are available at all Costa Mesa City Council meetings and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance. Habrá servicio de interpretación disponible para éstas juntas llamando al (714) 754-5225 por lo menos con 48 horas de anticipación.

CLOSED SESSION – 4:00 P.M.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS

Members of the public are welcome to address the City Council only on those items on the Closed Session agenda. Each member of the public will be given three minutes to speak.

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Timothy Dadey, et al. v. City of Costa Mesa, Orange County
Superior Court of California, Case No. 30-2014-00757962-CU-CR-CJC.

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: The Kennedy Commission, et al. v. City of Costa Mesa, Orange
County Superior Court of California, Case No. 30-2016-00832585-CU-WM-CJC.

The City Council and Successor Agency to the Redevelopment Agency will recess to Conference Room 5A for Closed Session at the conclusion of public comments.

**REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY**

TUESDAY, SEPTEMBER 5, 2017 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM

PLEDGE OF ALLEGIANCE Mayor Foley

MOMENT OF SOLEMN EXPRESSION *[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The City Council disclaims any intent to endorse or sponsor the views of any speaker.]*

Pastor David Manne, Calvary Chapel, Costa Mesa

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b)

ANNOUNCEMENTS: There's always something happening in Costa Mesa!
The Mayor will play a video clip of the "Costa Mesa Minute," featuring upcoming events and activities in the community.

PRESENTATIONS:

1. City Manager's Leadership Award, August 2017 – Lloyd Swanson, Network Administrator
2. Crime Mapping on the City website – Police Chief Robert Sharpnack

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

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COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

(Each council member is limited to four minutes. Additional comments will be heard at the end of the meeting)

1. Mayor Foley
2. Mayor Pro Tem Genis
3. Council Member Stephens
4. Council Member Righeimer
5. Council Member Mansoor

CONSENT CALENDAR:

All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the City Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion.

1. READING FOLDER

Claims received by the City Clerk: Joey Celi, John Downing, Brian James, Loneka Lewis, and Jon E. Reynolds.

RECOMMENDATION:

City Council receive and file.

2. WARRANT RESOLUTION NO. 2582 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-14 "A" FOR \$5,955.03, 17-15 FOR \$2,420,688.73, 17-15 "A" FOR \$72.03, AND 17-16 FOR \$2,350,021.91; AND CITY OPERATING EXPENSES FOR \$4,655,653.01; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID -

Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2582.

3. **MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF JUNE 20, 2017, JULY 18, 2017, AND AUGUST 1, 2017, STUDY SESSION MEETING OF MAY 9, 2017, AND SPECIAL JOINT MEETING OF MARCH 28, 2017** - City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of March 28, 2017, May 9, 2017, June 20, 2017, July 18, 2017, and August 1, 2017.

4. **AWARD THE PURCHASE OF A NEW 2017 FORD SUPER DUTY F450 XL TRUCK WITH UTILITY BODY FOR USE AS THE CONCRETE REPAIR AND CONSTRUCTION VEHICLE** - Public Services Department/Maintenance Services

RECOMMENDATION:

City Council approve and authorize the City Manager to execute a purchase order for a 2017 Ford Super Duty F450 XL Truck through the National Joint Powers Alliance (NJPA) Contract #120716-NAF, in conjunction with the National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076 in the amount of \$76,289.05.

5. **CITY COUNCIL RESOLUTION ADOPTING A DEBT MANAGEMENT POLICY IN COMPLIANCE WITH GOVERNMENT CODE SECTION 8855(i), AS AMENDED AND EFFECTIVE JANUARY 1, 2017** - Finance Department

RECOMMENDATION:

City Council adopt Resolution No. 17-xx adopting a Debt Management Policy as required by and in compliance with Government Code Section 8855(i), as amended and effective January 1, 2017.

6. **ANNUAL REVIEW OF THE CURRENT HOUSING ELEMENT AND FINAL REVIEW OF THE PREVIOUS GENERAL PLAN PURSUANT TO STATE LAW**
Development Services Department/Planning Division

RECOMMENDATION:

City Council approve the 2016 Annual Report of the 2015-2035 adopted Costa Mesa General Plan.

7. **MPS CONSULTING, INC. PROFESSIONAL SERVICES AGREEMENT RENEWAL** – City Manager’s Office

RECOMMENDATION:

1. City Council approve Amendment Two to renew the existing Professional Services Agreement with MPS Consulting, Inc. to perform development-related project management consulting services in an amount not to exceed \$99,000; and
2. Authorize the City Manager and City Clerk to execute the agreement; and
3. Authorize the City Manager and City Clerk to accept and execute future amendments to the agreement.

8. **REIMBURSEMENT OF ACCRUED EXPENSES FOR REPAIR AND MAINTENANCE OF HOME RANCH HISTORIC SITE AS ALLOWED BY HOME RANCH DEVELOPMENT AGREEMENT**

Development Services Department/Planning Division

RECOMMENDATION:

City Council approve and authorize the City Manager to execute reimbursement of maintenance and improvement costs in the amount of \$276,599.39 plus accrued interest to Segerstrom and Sons (“applicant”) consistent with Third Amendment of Home Ranch Development Agreement related to improvements to the Home Ranch Historic Site located at 3315 Fairview Drive, Costa Mesa.

9. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS14-00453 AND PS15-00967 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17658 LOCATED AT 2023, 2025 AND 2027 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA**

Public Services Department/Engineering Division

RECOMMENDATION:

City Council authorize release of the Performance and Labor and Material Bonds (Certificate No. 0671230) in the amounts of \$61,850.00 each for street improvements and (Certificate No. 0671229) for setting corner monuments in the amount of \$1,600.00 to City Ventures Homebuilding, LLC (Developer), 3121 Michelson Drive, Suite 150, Irvine, CA 92612.

10. [RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00518 FOR STREET IMPROVEMENTS & CORNER MONUMENTATION FOR TRACT 17848 LOCATED AT 650 HAMILTON STREET, COSTA MESA, CALIFORNIA](#) - Public Services Department/Engineering Division

RECOMMENDATION:

City Council authorize release of the Performance and Labor and Material Bonds (Certificate No. 0193322) in the amounts of \$178,080.00 each for street improvements and (Certificate No. 0193323) for setting corner monuments in the amount of \$2,500.00 to Shea Homes, LP (Developer), 1250 Corona Pointe Court Suite 600, Corona, CA 92879.

11. [RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00056 FOR STREET IMPROVEMENTS & CORNER MONUMENTATION FOR TRACT 17771 LOCATED AT 789 AND 795 PAULARINO AVENUE, COSTA MESA, CALIFORNIA](#) - Public Services Department/Engineering Division

RECOMMENDATION:

City Council authorize release of the Performance and Labor and Material Bonds (Certificate No. CMS280455) in the amounts of \$107,956.00 each for street improvements and (Certificate No. CMS280456) for setting corner monuments in the amount of \$7,500.00 to Shea Homes, LP (Developer), 2 Ada Suite 200, Irvine, CA 92618.

12. [REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS17-00285 FOR PARKWAY IMPROVEMENTS AT 2136 THURIN STREET, COSTA MESA, CALIFORNIA](#)
Public Services Department/Engineering Division

RECOMMENDATION:

City Council refund cash deposit in connection with Encroachment Permit No. PS17-00285 in the amount of \$18,278.92 to James John Cefalia, 1224 W Oceanfront, Newport Beach, CA 92661.

13. BUILDING SAFETY & FIRE PREVENTION PLAN REVIEW AND INSPECTION SERVICES - Economic & Development Services Department/Fire Department

RECOMMENDATION:

1. City Council approve and authorize the Mayor and the City Clerk to execute one-year professional service agreements for as-needed contract building plan check and contract building counter permit technicians with the companies of Scott Fazekas & Associates Inc., Bureau Veritas North America, Inc., Melad & Associates, Interwest Consulting Group, Inc., The Code Group dba VCA Code, HR Green California, Jeanelle Heaston dba Permit Management Solutions, and Jason Addison Smith Consulting Services dba JAS Pacific in the aggregate maximum amount of \$107,938, as budgeted for FY 2017-2018; and
2. Approve the same consultants for building plan check and contract building contract counter permit technicians to provide contract fire plan checking for a total aggregate amount up to \$142,000 as budgeted for FY 2017-2018; and
3. Approve and authorize the Mayor and the City Clerk to execute one-year professional service agreements for as-needed contract building inspection services with the companies of Jason Addison Smith Consulting Services dba JAS Pacific, Interwest Consulting Group, Bureau Veritas North America, The Code Group dba VCA Code and Safebuilt, LLC in the aggregate maximum amount of \$107,938, as budgeted for FY 2017-2018; and
4. Authorize the City Manager and the City Clerk to extend the agreement for four (4) additional one-year periods upon mutual written agreement of both parties.

----- **END OF CONSENT CALENDAR** -----

ITEMS REMOVED FROM THE CONSENT CALENDAR:

AGENDA CONTINUED ON THE NEXT PAGE.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55):

1. [CODE AMENDMENT CO-17-04 TO AMEND SECTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE \(PLANNING, ZONING & DEVELOPMENT\) RELATING TO APPLICATION SUBMITTAL REQUIREMENTS AND NOTICING FOR PUBLIC HEARINGS](#) -Development Services Department/Planning Division

RECOMMENDATION:

City Council give first reading to Ordinance No. 17-11, to be read by title only, and further reading waived, adopting Code Amendment CO-17-04 to modify the submittal requirements for all discretionary applications, and expand the notice provided for public hearings held by the Planning Commission and City Council.

2. [CODE AMENDMENT CO-17-05 TO AMEND TITLE 13 OF COSTA MESA MUNICIPAL CODE RELATED TO PLANNING AND SUBDIVISION APPLICATION REVIEW PROCESS TIME LIMITS](#)
Development Services Department/Planning Division

RECOMMENDATION:

The Planning Commission recommends that the City Council give first reading to Ordinance No. 17-12, to be read by title only, and further reading waived, to adopt Code Amendment CO-17-05 amending Costa Mesa Municipal Code Title 13 Chapters III and XI modifying the parameter and process for time extensions.

3. [ESTABLISH AN EXPEDITED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS IN ACCORDANCE WITH AB 1236](#)
Economic & Development Services Department/Fire Department

RECOMMENDATION:

City Council give first reading to Ordinance No. 17-13, to be read by title only, and further reading waived, to establish an expedited, streamlined permitting process for electric vehicle charging stations, per the requirements of Assembly Bill 1236 (2015).

4. [REVIEW OF CONDITIONAL USE PERMIT PA-17-12 FOR RETAIL SALES OF MOTOR VEHICLES WITH FIVE OUTDOOR VEHICLE DISPLAY SPACES AT THE SOUTHWEST CORNER OF RED HILL AVENUE AND CLINTON STREET AT 2920 RED HILL AVENUE](#) Development Services Department/Planning Division

RECOMMENDATION:

City Council uphold, uphold with revisions or reverse the Planning Commission's decision to approve a Conditional Use Permit (CUP) for motor vehicle retail sales with five outdoor vehicle display spaces located in a designated area on the corner of Red Hill Avenue and Clinton Street within private property.

The project was approved by the Planning Commission on July 10, 2017, on a 5-0 vote. A request to review the action of the Planning Commission was filed on July 12, 2017.

5. [APPEAL OF PLANNING APPLICATION PA-17-25 AND TENTATIVE PARCEL MAP 2015-109 FOR A TWO-UNIT SMALL LOT SUBDIVISION RESIDENTIAL DEVELOPMENT AT 162 EAST 18TH STREET](#)

Development Services Department/Planning Division

RECOMMENDATION:

City Council uphold or reverse the Planning Commission's decision to approve the proposed project, described below:

The proposed project involves the following:

1. **Planning Application (Design Review) PA-17-25** for the construction of two, two-story detached single-family residences. The front residence (Unit 2) is proposed as a 3 bedroom / 2.5 bath 1,963-square-foot dwelling unit and the rear residence (Unit 1) is proposed as a 3 bedroom / 3 bath 2,090-square-foot dwelling unit. Both residences would provide attached two-car garages, with the rear residence accessing the garage from the public alley. The project satisfies all Small Lot Subdivision development standards and Residential Design Guidelines.
2. **Tentative Parcel Map 2015-109** for the subdivision of a 6,263-square-foot lot into two separate parcels consistent with the Small Lot Subdivision Ordinance.

The project was approved by the Planning Commission on July 24, 2017, on a 5-0 vote. An appeal of the Planning Commission's approval was filed on July 31, 2017, by an Eastside Costa Mesa resident.

OLD BUSINESS:

1. **CITYWIDE PARKWAY CONCRETE REPAIR AND NEW SIDEWALK CONSTRUCTION PROJECT – CITY PROJECT NO. 14-12**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by C.J. Concrete Construction Inc. and authorize the City Clerk to file the Notice of Completion; and
2. Authorize release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

NEW BUSINESS:

1. **CONSTRUCTION AND UPGRADE OF SPORTS FACILITIES AT VARIOUS LOCATIONS** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council modify the scope of work for the Jack Hammett Sports Complex Project to include only the construction of ADA walkways, parking lot expansion and permanent storage facilities and eliminate the construction of two artificial turf fields; and
2. Authorize the City Manager to negotiate draft agreements with the Newport-Mesa Unified School District (NMUSD), youth sports user groups and non-profit organizations, pertaining to funding, public engagement process, design, construction, maintenance and joint use for the athletic fields at Davis Magnet School and Kaiser Elementary School. Once drafted, these agreements would be reviewed by the Parks and Recreation Commission, City Council and Board of Trustees.

2. **REVIEW OF ORDINANCE NO. 14-11 FOR TITLE 13, CHAPTER IX, ARTICLE 8, GOVERNING MOTELS** - City Attorney's Office/Dev. Services Department

RECOMMENDATION:

City Council direct staff to agendize consideration of Ordinance No. 14-11, as it pertains to Title 13, Chapter IX, Article 8, Governing Motels, at the next possible regular meeting of the Planning Commission and to direct the Planning Commission to consider the ordinance and make a recommendation to the City Council regarding whether the ordinance should be repealed or amended.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Festival of Children, Sept. 2 – 24, South Coast Plaza, www.festivalofchildren.org

Art on the Fifth Reception, Tuesday, September 5, from 5 – 6 p.m., Costa mesa City Hall 5th Floor Lobby, recognizing featured artist Craig Barker.

Davidson Field Grand Opening, Friday, September 8, at 5 p.m., Newport Harbor High School.

Sip and Paint, Friday, September 8, from 4 - 6p.m., Downtown Aquatics Center, Step-by-step Instruction will be provided while you relax, sip, and paint along! The event cost is \$5 per person and includes all painting supplies and light refreshments. Event is open to ages 50 and over.

Walk for Independence, Saturday, September 9, TeWinkle Park, Project Independence Walk-a-thon, celebrate a year of inclusion and independent living while raising awareness and support.

Tchaikovsky Spectacular, Saturday, September 9, at 8 p.m., Pacific Amphitheatre, enjoy this famous romantic composer's greatest hits performed by the Pacific Symphony.

Friends of the Costa Mesa Libraries present author Sang Bakaty, Sunday, September 10, at 2 p.m., Mesa Verde Country Club.

Teen Splash Bash, Friday, September 15, from 3 – 6 p.m., Downtown Aquatic Center, join the Teen Program for a free pool party and barbeque extravaganza, open to 7th – 12th grade students.

Costa Mesa Feud – Seniors vs. Teens, Friday, September 29, Costa Mesa Senior Center.

90-Minute Breakfast Boost & State of the City, Thursday, September 28, from 7 – 8:45 a.m., Avenue of the Arts Costa Mesa, A Tribute Portfolio Hotel, Mayor Katrina Foley will present the “State of the City” at the Chamber’s monthly breakfast.